

[Caption as in Form 416A, 416B, or 416D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Bruce A. Piekarsky
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding. <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (describe) _____	For appeals in a bankruptcy case and not in an adversary proceeding. <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other (describe) _____
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Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Denying the appointment of Special Counsel
2. State the date on which the judgment, order, or decree was entered: 09/08/2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Trustee Attorney: Marie-Ann Greenberg
Chapter 13 Standing Trustee
30 Two Bridges Rd, Suite 330,
Fairfield, NJ 07004
2. Party: U.S. Trustee Attorney: Michael A. Artis
United States Department of Justice
Office of the United States Trustee
One Newark Center, Suite 2100
Newark, NJ 07102

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ Scott Piekarsky

Date: 09/21/2022

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Phillips Nizer, LLP

433 Hackensack Avenue, Suite 803

Hackensack, NJ 07601

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]



Order Filed on September 8, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA
UNITED STATES TRUSTEE, REGIONS 3 & 9
Michael A. Artis, Esq.
One Newark Center, Suite 2100
Newark, NJ 07102
Telephone: (973) 645-3014
Fax: (973) 645-5993
E-Mail: Michael.a.artis@usdoj.gov

In Re:

Bruce A. Piekarsky

Debtor.

Case No.: 22-10450 (RG)

Chapter 13

Hearing Date: August 29, 2022

Judge: Honorable Rosemary Gambardella

**ORDER DENYING DEBTOR'S APPLICATION FOR
RETENTION OF SPECIAL COUNSEL**

The relief set forth on the following page(s), numbered two (2) and three (3), is hereby
ORDERED.

DATED: September 8, 2022

A handwritten signature in cursive script, reading "Rosemary Gambardella".
Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Bruce A. Piekarsky, Debtor

Chapter 13, Case No. 22-10450(RG)

ORDER DENYING DEBTOR'S APPLICATION FOR RETENTION OF SPECIAL COUNSEL

This matter having come before the Court on April 22, 2022, by way of Debtor's Application for Retention of Professional ("Application for Retention") (Docket No. 49), in which the Debtor sought to retain Scott B. Piekarsky, Esq., as his Special Counsel pursuant to 11 U.S.C. § 327(e) in connection with defending an adversary proceeding that was commenced against the Debtor to determine the dischargeability of certain debts; and an Objection to the Debtor's Application for Retention having been filed by the Marie-Ann Greenberg, Chapter 13 Standing Trustee (Docket No. 51); and a separate Objection to the Debtor's Application for Retention having been filed by the United States Trustee, by and through counsel, Michael A. Artis, Esq. (Docket No. 76); and the Court having duly considered the aforementioned Application for Retention; the Engagement Letter in Support of the Application for Retention (Docket No. 61); the Amended Application and Certification in Support of the Application for Retention (Docket No. 62); the Amended Engagement Letter in Support of the Application for Retention (Docket No. 64); the Debtor's Supplemental Pleading in Response to the Objection of the Chapter 13 Standing Trustee (Docket No. 68); and the Supplemental Certification of Scott B. Piekarsky, Esq. (Docket No. 79); and the Court having duly considered the parties' oral arguments on August 19, 2022; and the Court reserving decision for its findings of fact and conclusions of law; and for the reasons set forth on the record, and for good cause shown, it is hereby:

ORDERED that the Application by the Debtor for the Retention of Special Counsel, Scott B. Piekarsky, is hereby denied in its entirety for the reason set forth on the record; and it is further

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Bruce A. Piekarsky, Debtor

Chapter 13, Case No. 22-10450(RG)

ORDER DENYING DEBTOR'S APPLICATION FOR RETENTION OF SPECIAL COUNSEL

ORDERED that a copy of this Order shall be served upon Donald Victor Valenzano, Jr., counsel to Plaintiff, Pressler, Felt & Warshaw, LLP, in the related adversary proceeding at adversary proceeding case number 22-01083(RG).